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RUEHBY/AMEMBASSY CANBERRA 1670  
RUEHNE/AMEMBASSY NEW DELHI 5152  
RUEHUL/AMEMBASSY SEOUL 8747  
RUEHKO/AMEMBASSY TOKYO 6319  
RUEHCHI/AMCONSUL CHIANG MAI 1955  
RUEHGV/USMISSION GENEVA 4163  
RHHMUNA/CDR USPACOM HONOLULU HI  
RHEHNSC/NSC WASHDC  
RUCNDT/USMISSION USUN NEW YORK 2140  
RUEKJCS/SECDEF WASHDC  
RUEKJCS/JOINT STAFF WASHDC

C O N F I D E N T I A L SECTION 01 OF 02 RANGOON 000936

SIPDIS

DEPT FOR EAP/MLS, DRL, AND IO  
PACOM FOR FPA

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TAGS: [PGOV](#) [PREL](#) [PHUM](#) [BM](#)

SUBJECT: UNHCR AND BURMA: NRS PRESENCE AT RISK; HIGH  
COMMISSIONER MAY VISIT

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Classified By: P/E Chief Jennifer Harhigh for Reasons 1.4 (b) & (d)

Summary

11. (C) UNHCR representatives told select donors December 11 the agency is increasingly concerned about the status of its presence in Burma's Northern Rakhine State (NRS). According to UNHCR, the protection situation in NRS remains terrible; severe restrictions on 750,000 Rohingya Muslims continue. Nonetheless, the agency reports limited success with local officials regarding access issues and individual casework. Meanwhile, UNHCR reports that it focuses primarily on community work, rather than its primary mission of protection, in Southeastern Burma, including in Kayin (Karen) State, Mon State and Tanintharyi Division. UNHCR staff based in Southeast Burma are restricted and local officials are uncooperative. UNHCR is formulating plans for a visit to Burma by the High Commissioner for Refugees, although the agency doubts the GOB will issue a formal invitation. End summary.

NRS: Situation Grave; Agency Presence at Risk

12. (C) UNHCR updated donors on its operations in NRS and Southeastern Burma December 11, during which Country Representative Bhairaja Panday expressed concern the agency could be forced by the GOB to leave NRS if an agreement is not reached soon. UNHCR has been present in NRS since 1994; its initial mandate was the return and protection of 236,500 Rohingya Muslims from Bangladesh. The agency has operated without a Memorandum of Understanding for 2008; this year's operations have been permitted under a project agreement with the Ministry of Immigration and Population. UNHCR has asked for a six-month extension of the agreement to allow operations to continue beyond January 2009, and as of December 11 had yet to receive a reply from the GOB. According to Panday, the GOB views the UNHCR presence in NRS as unnecessary, since in the GOB's view the repatriation of refugees from Bangladesh is complete.

¶3. (C) UNHCR staff based in Maungdaw reported that the protection situation in NRS is terrible; severe restrictions on the 750,000 Rohingya Muslims, who represent 85 percent of the total NRS population, continue. Over 90 percent of the Rohingyas are landless and 80 percent are illiterate. Malnutrition and infant mortality are higher in NRS than in other parts of Burma. The Rohingyas face severe restrictions including the lack of legal status and denial of citizenship; no freedom of movement, even between villages; burdensome marriage permission requirements; social prohibitions; and strict enforcement of prohibitions against unauthorized construction/repair of homes or religious buildings. Rohingyas who violate these restrictions face imprisonment and torture. Other human rights abuses include forced labor and widespread extortion, which exacerbate the poverty.

¶4. (C) UNHCR staff note that despite the desperate conditions in NRS, cooperation between the agency and local officials, including police, border, immigration and military personnel, is relatively good. UNHCR international and local staff have freedom of movement in NRS and are generally able to perform their duties, which include advocacy in individual cases (arbitrary arrest, documentation violations, extortion/harassment, arbitrary prosecution, etc.) and community projects. UNHCR described one case in which the agency funded a legal appeal of a 5 and 1/2 year prison sentence for an unsanctioned marriage all the way to the Supreme Court level. The Supreme Court ruled in favor of the detainee and he was set free. Local officials later told UNHCR the case would not serve as precedent under Burmese law.

¶5. (C) The Rohingya Muslim community is extremely socially conservative; women often cover even their faces and rarely

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leave the house even to go to market. In general the community is able to gather and pray freely, although adherents are rarely able to repair damaged mosques, because permissions necessary to do so are not granted. Although the Rohingya diaspora sends funds via the hundi system from Saudi Arabia and other countries, UNHCR staff do not regularly see foreigners in NRS.

¶6. (C) UK Ambassador Mark Canning suggested UNHCR appeal to countries with large Muslim populations, including those in ASEAN, to enlist help in protecting the Rohingya Muslims. He noted the Organization of the Islamic Conference has issued statements on the conditions in NRS.

Southeast: UNHCR Unable to Implement Protection Mandate  
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¶7. (C) UNHCR maintains a presence in sixteen townships in Kayin (Karen) State, Mon State and Tanintharyi Division in Southeastern Burma, targeting nearly 241,000 internally displaced persons (IDPs) who are not acknowledged by the GOB. The agency currently operates under a Memorandum of Understanding (MOU) with the Ministry for Progress of Border Areas and National Races and Development Affairs, which will be valid until August 2009. Agency staff report they focus mainly on community-based livelihoods projects, and are unable to directly assert their protection role. Local officials are skittish and afraid to meet even with locally based staff. International UNHCR staff are restricted and accompanied by the GOB on field visits; the field unit in Mawlamyine is under tight GOB control.

¶8. (C) In order to broaden UNHCR activities in the Southeast, the agency is seeking MOUs with other agencies, including the Ministry of Health. Agency staff based in the Southeast told donors they plan to reinforce their presence by adding staff. They also said they intend to "focus" their presence by reducing operational townships from 16 to 9. We questioned the logic of reducing the number of townships where the agency has a presence; UN Resident Coordinator

Bishow Parajuli agreed with us that reducing coverage was not desirable. Parajuli observed that if UNHCR is unable to fulfill its protection mandate in the Southeast, it should raise the issue to a higher level and involve the High Commissioner's Office in Geneva.

#### High Commissioner Visit in Planning Stages

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¶9. (C) UNHCR is formulating plans for a visit to Burma by the UN High Commissioner for Refugees from February 12-15, although the agency doubts the GOB will issue a formal invitation. Panday appealed for donors' views on such a visit. In the meantime, the agency will seek GOB permission for a donor visit to NRS, possibly in February 2008. Last year's visit was cancelled by the GOB.

#### Comment

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¶10. (C) UNHCR staff working in NRS believe their presence is essential to protect the Rohingya Muslims. They suggest local officials tolerate UNHCR activities because the agency is seen as helping to keep potential unrest at bay. Nonetheless, higher-level GOB officials seem less convinced and would prefer to see the agency leave NRS. That would be in line with their general disdain for UN efforts on Burma. A visit by the High Commissioner could highlight the need to keep UNHCR present in NRS and to implement its mandate of protection in the Southeast. The GOB might snub the High Commissioner; but that at least would garner more international attention to the plight of displaced persons in Burma.  
DINGER